

THE HONORABLE ROBERT S. LASNIK



03-CV-02953-CLM

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FEB 12 2004

CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

WIZARDS OF THE COAST, INC., a  
Washington corporation,

Plaintiff,

v.

THE POKEMON COMPANY, a Japanese  
corporation; POKEMON USA, INC., a  
Delaware corporation; NINTENDO OF  
AMERICA, INC., a Washington corporation;  
RICHARD ARONS, an individual; and RENE  
FLORES, an individual,

Defendants.

No. C03-2953L

**STIPULATION AND ORDER OF  
DISMISSAL**

All parties to this action, by and through their respective counsel, stipulate and agree  
as follows:

1. Defendants' Motion To Amend Or Alter Judgment may be denied as moot.
2. This Stipulation and Order of Dismissal will supersede any and all prior Orders  
of Dismissal entered in this action.
3. The present action is dismissed with prejudice as to Nintendo of America Inc.
4. As to the other parties, the action is dismissed with prejudice, with the  
exception that if there is a breach of paragraph 14 of the Settlement Agreement entered into  
by the parties on December 22, 2003, and all the conditions of that paragraph are met, any

STIPULATION AND ORDER OF DISMISSAL - 1

Case No. C03-2953L  
119153.0003/1082226.1

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1420 FIFTH AVENUE  
SEATTLE, WA 98101  
(206) 223-7000

1 party except Nintendo of America Inc. may initiate or participate in litigation of any claim  
2 previously released to the extent permitted by the Settlement Agreement, provided that such  
3 claim will not be brought by, for or against Nintendo of America Inc.

4 5. Each party shall bear its own costs and attorneys' fees.

5 DATED this 10<sup>th</sup> day of February, 2004.

6 LANE POWELL SPEARS LUBERSKY LLP

VANDEBERG JOINSON & GANDARA

7  
8 By 

Gwendolyn C. Payton, WSBA No. 26752  
Attorneys for Plaintiff Wizards of the Coast, Inc.

By 

Daniel Gandara, WSBA No. 8635  
Attorneys for Defendants  
Pokémon USA, Inc. Nintendo of  
America, Inc., Richard Arons,  
and René Flores

*per telephone  
and fax  
authority*

11  
12 **ORDER**

13  
14 The parties having stipulated for dismissal of the above-entitled matter; and the Court  
15 being fully advised in the premises, NOW, THEREFORE,

16 IT IS HEREBY ORDERED that

- 17 1. Defendants' Motion To Amend Or Alter Judgment is denied as moot.  
18 2. The present Stipulation and Order of Dismissal supersedes any and all prior  
19 Orders of Dismissal entered in this action.  
20 3. The present action is dismissed with prejudice as to Nintendo of America Inc.  
21 4. As to the other parties, the action is dismissed with prejudice, with the  
22 exception that if there is a breach of paragraph 14 of the Settlement Agreement entered into  
23 by the parties on December 22, 2003, and all the conditions of that paragraph are met, any  
24 party except Nintendo of America Inc. may initiate or participate in litigation of any claim  
25  
26

STIPULATION AND ORDER OF DISMISSAL - 2

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1 previously released to the extent permitted by the Settlement Agreement, provided that such  
2 claim will not be brought by, for or against Nintendo of America Inc.

3 5. Each party shall bear its own costs and attorneys' fees.  
4

5 DONE IN OPEN COURT on Feb. 12, 2004  
6

7  
8 Mr. S. Lasnik  
9 THE HONORABLE ROBERT S. LASNIK  
10

11 Presented by:

12 LANE POWELL SPEARS LUBERSKY LLP

13  
14 By Gwendolyn C. Payton  
15 Gwendolyn C. Payton, WSBA No. 26752  
Attorneys for Plaintiff Wizards of the Coast, Inc.

16 Copy Received; Approved as to Form;  
17 Notice of Presentation Waived:

18 VANDEBERG JOHNSON & GANDARA

19 By Daniel Gandara *per telephone*  
20 Daniel Gandara, WSBA No. 8635 *and fax authority*  
21 Attorneys for Defendants Pokémon USA, Inc.,  
22 Nintendo of America, Inc., Richard Arons and  
23 René Flores  
24  
25  
26

STIPULATION AND ORDER OF DISMISSAL - 3

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